

REMARKS

The present application has been reviewed in light of the Office Action mailed September 7, 2011. Claims 1, 3-6, 8-11, 14, 15, and 24 remain pending. In view of the remarks to follow, early and favorable reconsideration and allowance of this application is respectfully requested.

Claims 1, 3, 6, 15, and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,162,962 to Hinsch et al. (hereinafter “Hinsch”).

As stated on page 3 of the Office Action, the Examiner alleges that Figs. 10 and 11 of Hinsch disclose a textile wherein a portion of the macroporous texture in the protected zone is occluded and a portion of the macroporous texture in the protected zone is not occluded. The Examiner implies that the center macropore shown in Fig. 10 as unoccluded is also shown occluded in Fig. 11 thereby suggesting Figs. 10 and 11 are related and/or include the same mesh design simply with or without a coating. This rejection is respectfully traversed.

Applicant respectfully submits that the Examiner’s interpretation of Hinsch, and more particularly Figs. 10 and 11 of Hinsch, is incorrect. More specifically, Figs. 10 and 11 are not related to one another and more importantly the basic structure shown in Fig. 10 is not the same basic structure shown in Fig. 11. Rather, as described in more detail below, Fig. 10 is associated with Fig. 1a, while Fig. 11 is associated with Fig. 2 which includes a basic structure having only one size macropore and wherein the macropores are not occluded. Thus, Fig. 11 of Hinsch fails to disclose a textile wherein a portion of the macroporous texture in the protected zone is occluded and a portion of the macroporous texture in the protected zone is not occluded.

Turning specifically to the disclosure of Hinsch, Hinsch describes Variants A through E of an implant which includes a basic structure made from a knitted fabric of slowly resorbable

and/or non-resorbable materials wherein the basic structure is further provided with a stiffening synthetic resorbable material whose resorption time is less than that of the basic structure (see Abstract; column 2, lines 55-62; column 4, lines 49-60). According to the BRIEF DESCRIPTION OF THE FIGURES of Hinsch and column 4, lines 49-58 of Hinsch, Figs. 1a, 2, and 3, reproduced hereinbelow, illustrate Variant A, Variant B, and Variant C, respectively.

FIG. 1(a)

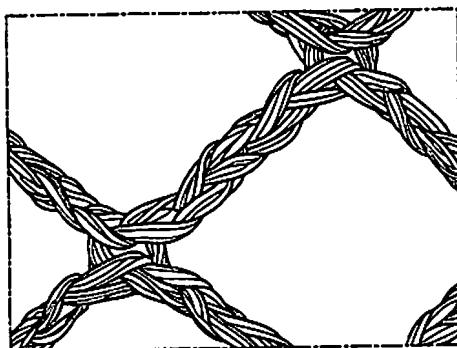


FIG. 2

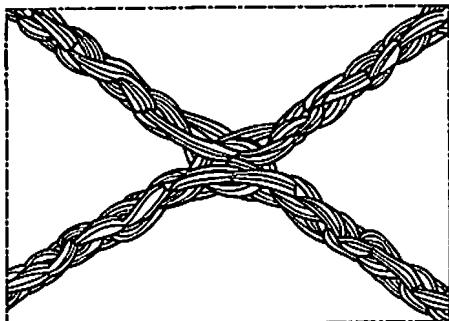
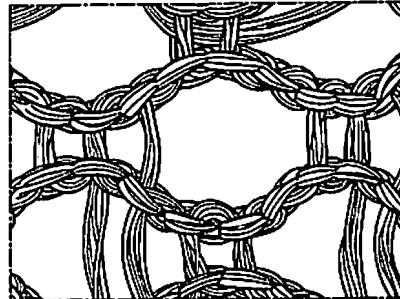


FIG. 3



As clearly shown in Fig. 2, the basic structure of Variant B does not include different size macropores. In fact, Hinsch specifically differentiates Variant C, shown in Fig. 3, from the other Variants by describing the basic structure as having different size pores (see column 4, lines 55-58).

Turning to cited Figs. 10 and 11, also reproduced hereinbelow, the BRIEF DESCRIPTION OF THE FIGURES of Hinsch and column 9, lines 46-54 of Hinsch disclose that Figs. 10 and 11 represent magnified schematic views of Variant A (Fig. 1a) and Variant B (Fig. 2), respectively.

FIG. 10

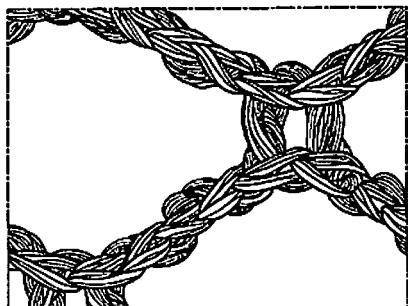
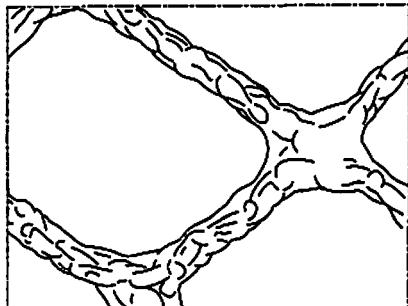


FIG. 11



More particularly, at column 9, lines 46-54, Hinsch discloses the following:

FIG. 10 shows a magnified schematic view of the flexible basic structure according to Variant A, into which a multifilament thread of Polyglactin 910 is woven for stiffening. **Shown in FIG. 11 is a magnified schematic view of the flexible basic structure according to variant B** which is provided with a coating of Polyglactin 630. Polyglactin 630 is a copolymer of glycolide and lactide in the ratio 6:3 and, just like Polyglactin 910, is resorbable. (Emphasis added.)

Thus, according to Hinsch, Fig. 11 is associated with Variant B displayed in Fig. 2 and is not associated with Variant A which is depicted in Figs. 1 and 10. Since Variant B is not disclosed and/or illustrated as having different size macropores, and Fig. 11 is associated with Variant B, the film illustrated in Fig. 11 only covers the micropores or microporous texture of the knitted fabric and fails to cover any portion of the macropores or macroporous texture.

Therefore Hinsch fails to disclose a textile support wherein the macroporous texture in a first portion of the protected zone is not occluded by the film and the macroporous texture of the

textile support in a second portion of the protected zone is occluded by the film. Rather, as illustrated in Fig. 11, Hinsch discloses a knitted fabric wherein the microporous texture is occluded by a film and no portion of the macroporous texture is occluded by the film. Since, no portion of the macroporous texture is occluded by the film, the macroporous texture of the entire Hinsch knitted fabric is not occluded.

Accordingly, Hinsch fails to teach each and every feature of claims 1 and 24 in that Hinsch fails to teach or disclose a textile support wherein the macroporous texture in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film. Applicant therefore respectfully submits, in view of the arguments presented above, that independent claims 1 and 24 are not anticipated by and/or rendered obvious by Hinsch.

Since claims 3-6, 8-11, 14, and 15 depend either directly or indirectly from claim 1 and contain all of the features of claim 1, for the reasons presented above regarding the patentability of claim 1 Applicant respectfully submits that each of claims 3-6, 8-11, 14, and 15 are also patentable over Hinsch. More particularly, for at least the reasons provided above, Hinsch fails to anticipate any of claims 1, 3-6, 8-11, 14, 15, and 24. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 4, 5, 8-10, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hinsch. This rejection is respectfully traversed.

Hinsch fails to teach or suggest all the features recited in claims 1, 4, 5, 8-10, and 14. As described hereinabove, nowhere does Hinsch disclose or suggest a textile support wherein the macroporous texture in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded

by the film as recited in claim 1. Since no additional art has been cited to cure the deficiencies of Hinsch with respect to claim 1, Applicant submits that claim 1 is patentable over Hinsch alone. Furthermore, since claims 4, 5, 8-10, and 14 depend from claim 1 and includes all the limitations of claim 1, it is respectfully submitted that claims 4, 5, 8-10, and 14 are also patentable over Hinsch alone. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hinsch in view of EP 0774240 to Landgrebe et al. (hereinafter “Landgrebe”). From claim 1 and therefore includes all the limitations of claim 1. This rejection is respectfully traversed.

Claim 11 depends from claim 1 and includes all of the features of claim 1. As stated above, Hinsch fails to disclose or suggest a textile support wherein the macroporous texture in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film as recited in claim 1.

Landgrebe fails to cure the deficiencies of Hinsch. In fact, Landgrebe is merely relied upon by the Examiner for the alleged disclosure of an implant including a strip having nonparallel edges. Thus, Landgrebe does not teach or suggest a textile support wherein the macroporous texture in a first portion of the protected zone is not occluded by the film and the macroporous texture of the textile support in a second portion of the protected zone is occluded by the film.

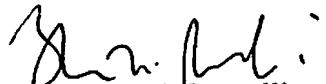
Thus, Applicant respectfully submits that dependent claim 11 is at least patentable for the reasons given above with respect to independent claim 1. Therefore, withdrawal of this rejection is respectfully requested.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor.

Respectfully submitted,



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